

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
EASTERN DIVISION

No. 4:19-CV-131-BO

TRUDELL MEDICAL INTERNATIONAL, )  
Plaintiff, )  
                        )  
v.                      )  
                        )  
D R BURTON HEALTHCARE, LLC, )  
Defendant.             )

O R D E R

This cause comes before the Court *sua sponte*. On March 21, 2023, in a related action filed in this Court, plaintiff noticed a direct appeal to the United States Court of Appeals for the Federal Circuit from the judgment, post-judgment order, and other orders, decisions, verdicts, rulings, and findings adverse to plaintiff entered in *Trudell Medical International v. D R Burton Healthcare LLC*, No. 4:18-CV-9-BO (E.D.N.C.).

Despite the fact that the cases involve different patents, the issues in the case currently on appeal and this action are sufficiently related such that the decision of the Federal Circuit will likely provide, at a minimum, guidance in this action. The Court therefore, in the exercise of its inherent authority to manage its docket, STAYS this action pending a final decision of the Federal Circuit in the No. 4:18-CV-9-BO appeal. *See Ryan v. Gonzales*, 568 U.S. 57, 73-74 (2013). The clerk is DIRECTED to remove this case from the active docket during the pendency of the stay. The parties are ORDERED to notify the Court within five (5) days of the date of entry of the mandate of the court of appeals in the related case.

Additionally, the referral of this case for entry of a memorandum and recommendation by the magistrate judge following the *Markman* hearing is WITHDRAWN. The Court will enter a claims construction order at the appropriate time following the lifting of the stay.

SO ORDERED, this 29 day of March 2023.

  
TERRENCE W. BOYLE  
UNITED STATES DISTRICT JUDGE